

Sisk, Richard

From: Schmittziel, Paula
Sent: Friday, May 09, 2014 12:16 PM
To: Schmittziel, Paula
Subject: FW: VB/I70 OU1

Paula Schmittziel
Remedial Project Manager
U.S. Environmental Protection Agency
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From: Chergo, Jennifer
Sent: Tuesday, February 26, 2013 10:20 AM
To: Schmittziel, Paula
Subject: RE: VB/I70 OU1

Paula, I think this meeting is a very good idea, and probably long overdue. In reading the email correspondence from Jim Martin, I have a concern. It seems that he and maybe others at EPA feel that the city is just "confused". I do not think they are confused. I think they disagree. There's a difference. They have, in my view, a valid concern that once these notices are filed, these properties will be difficult to sell and may further reduce property values in the future. If we continue with our course of placing property notices, we need to provide the city with specific answers to their concerns:

1. Why do we have to wrap this up now? Why can't we keep trying to get access to these properties into the future? (I mean specifically. Maybe they are not so concerned that it will take longer for the site to be deleted, etc...)

2. How would a property owner actually have their property sampled or remediated in the future? We say we can place a second notice in the file indicating the issue was addressed. But how would someone go about that? Who would the property owner contact? Would a property owner realistically have the thousands of dollars it would take? Would a property owner be able to meet our standards for sampling/cleanup? Doubtful.

3. Why can't EPA or the state sample or cleanup in the future? (again, specifically. We have said it's too expensive to have emergency removal do it, but how expensive really? Just saying that over and over is not proving good enough for them. We need to show that it is cost prohibitive with numbers).

I think we need to provide them our very specific reasoning. This will help build trust and help us all get on the same page.

-jc

From: Schmittziel, Paula
Sent: Tuesday, February 26, 2013 10:40 AM
To: Hestmark, Martin; Madigan, Andrea; Sisk, Richard; Murray, Bill; Wharton, Steve
Cc: Stavnes, Sandra; Cantor, Howard; Chergo, Jennifer
Subject: RE: VB/I70 OU1

I have spoken with Lisa Farrell at the City about setting up a meeting with Mr. Linkhart. She will get back with me soon.

Paula Schmittziel

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From: Hestmark, Martin
Sent: Monday, February 25, 2013 2:19 PM
To: Madigan, Andrea; Sisk, Richard; Murray, Bill; Wharton, Steve; Schmittziel, Paula
Cc: Stavnes, Sandra; Cantor, Howard; Chergo, Jennifer
Subject: FW: VB/I70 OU1

Paula/ Steve/ Jennifer – Lets see if our attorneys have time and if the city/Doug L has an interest in getting clarification from us. Maybe we could actually show where in the file the info would be posted and what would happen if we gained access/cleaned the property after we had originally posted the notice. I would be willing to go over with Andrea and/or Richard, yourself and Jennifer if they see any benefit from that sort of a meeting.

From: Cantor, Howard
Sent: Monday, February 25, 2013 12:11 PM
To: Hestmark, Martin
Subject: Re: VB/I70 OU1

Ok by me. Let me know if you'd like me to be involved.

Howard Cantor
Acting Regional Administrator
US EPA, Region 8
Phone: (303)312-6308

From: Hestmark, Martin
Sent: Monday, February 25, 2013 12:08:16 PM
To: Madigan, Andrea; Sisk, Richard; Murray, Bill; Wharton, Steve; Schmittziel, Paula
Cc: Stavnes, Sandra; Cantor, Howard
Subject: FW: VB/I70 OU1

So this is the latest we got from Jim's inquiries. Howard I wonder if it might be useful for Andrea, Richard, PAuala and I to offer to meet with Doug and make sure that Doug is clear about what we wish to do and why and then see if it clears up. Your thoughts?

From: Martin, Jim
Sent: Friday, February 22, 2013 2:10 PM
To: Hestmark, Martin
Subject: FW: VB/I70 OU1

Martin – I think Doug and the city are still confused, thinking we're going to somehow encumber someone's title.

It might be at this point that you or someone could try to go a little higher in the food chain to explain that is not the case. Maybe the city attorney?

I regret I could not resolve this issue for you before I left.

Jim

From: Linkhart, Doug – Manager of Environmental Health [<mailto:Douglas.Linkhart@denvergov.org>]
Sent: Friday, February 22, 2013 2:02 PM
To: Martin, Jim
Cc: Berardini, Jacqueline H. - Department of Law; Vanderloop, Celia L. - Environmental Svc Div Ent Fund; Farrell, Lisa - Environmental Health
Subject: VB/I70 OU1

Jim,

Sorry again to hear that you're leaving the agency. I know that you wanted to hear back from us regarding VB/I-70 by today if possible, so I will tell you where stand at this point.

I am attaching the letter that was sent to EPA by our City Attorney's Office on October 30, 2012, which indicates that our least favorite option would be to post a notice on the titles of the homeowners who have not agreed to sampling or remediation. There has not been a response to this letter from EPA as far as we know, so we do not know whether the other two options we offered were considered.

As far as we're concerned, nothing has happened since late October that would change the City's position. While we do not favor EPA placing a notice on the property records of these owners, we would urge that, if you do so, that you include a mechanism for homeowners to change the status of this notice at a later date.

Thank you for your consideration of our thoughts, and good luck as you move forward in other pursuits.

Doug Linkhart
Manager
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